



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

MAY 9, 2006

PRESENT: Acevedo, Koepp-Baker, Benich, Davenport, Escobar, Lyle, Mueller

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe and Minutes Clerk Johnson

Chair Lyle called the meeting to order at 7: 01 p.m., then invited Commissioner Davenport to lead the flag salute.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

With no members of the audience indicating a wish to address matters not on the agenda, the time for public comment was closed.

MINUTES:

DECEMBER 13,
2005

COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE DECEMBER 13, 2005 MINUTES WITH THE FOLLOWING CORRECTIONS:

Page 1, 1st line of large paragraph: ~~awards~~ **scoring**, and 2nd line (add): Downtown area
and affordable projects

Page 2, paragraph 7, line 6:for downtown & **9**

Page 5, paragraph 6: *discussion forward to other matters.*

Page 9, paragraph 8: ~~176.5~~ **177.5**

Page 15, line 7: ~~where~~ **whether**

Page 20, paragraph 9: ... page 19, **although** the application was not ~~completed~~ **completed**,
~~but~~ 1 point was agreed.

THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO,
KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER;
NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

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**APRIL 25,
2006**

**COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE
THE APRIL 25, 2006 MINUTES WITH THE FOLLOWING CORRECTIONS:**

Page 5 mitigated declaration motion: ...~~ASK DIRECTION OF~~ **SEND DIRECTION
TO THE ARB...**

Page 7 paragraph 3: (\$~~132,574~~ **\$132,574,000**)

Page 7, near bottom of page [item 1] (insert): ...4-acres per **1000 residents**

Page 9, paragraph 4, item 2: ~~matrix~~ **metrics** to illustrate consistency with **or performance**
to the General Plan

Page 9, next to last paragraph, line 6: not **sufficiently**

Page 10, paragraph 7: were different; Commissioner ~~Mueller~~ **ACEVEDO** **SECONDED
THE MOTION**

Page 11, line 1 (add): staff **report**

**THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO,
KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER;
NOES: NONE; ABSTAIN: BENICH; ABSENT: NONE.**

*Due the location of his home and the fact that created the potential for conflict of
interest, Commissioner Davenport was excused at 7:05 p.m. for the next order of
business.*

**PUBLIC
HEARING:**

**1) VACATION OF
MIRA LAGOS
DRIVE-CITY OF
MORGAN HILL**

A request for the approval to vacate Mira Lagos Dr. The subject area is approximately 6,970 square feet (0.16 acres), which is a dead end stub street extending off of Mira Bella Circle.

PM Rowe provided a brief staff report, noting that this matter had been previously agendized, followed by direction to staff to address ingress/egress concerns with the owner/developer or his representative of the two County lots south of Mira Lagos Drive. Having had that meeting, staff had determined a need to further study future use and potential configurations for Mira Lagos Drive. In view of that necessity, PM Rowe said, staff was recommending indefinite postponement of the matter.

Chair Lyle opened the public hearing.

With no member of the public indicating a wish to speak to the matter, the public hearing was closed.

**COMMISSIONERS MUELLER/ ESCOBAR MOTIONED TO TABLE THE
MATTER OF VACATION OF MIRA LAGOS DRIVE-CITY OF MORGAN HILL
TO AN INDETERMINATE FUTURE DATE. THE MOTION PASSED WITH
THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS
PRESENT; DAVENPORT WAS ABSENT.**

*Commissioner Davenport rejoined the Commissioners at 7:06 p.m. for the subsequent
agenda items.*

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**2) UP-06-04:
CONCORD-
T-MOBILE**

Referencing the next agenda item, Commissioner Koepp-Baker disclosed she had visited the site; other Commissioners noted the site could be easily observed from the roadway.

A request for approval of a use permit to allow for the installation of three building mounted telecommunications antennas and associated ground mounted equipment cabinets on an existing industrial building located at 15555 Concord Cir. The subject site is zoned PUD-Industrial.

PM Rowe presented the staff report, saying this Conditional Use Permit (CUP) is similar to others heard previously. The cabinet will be enclosed and will match the existing trash enclosure, he said, and the building mounted antenna will be screened with stealth installation techniques used. The equipment building borders on another building, PM Rowe said, and findings are required.

Commissioners asked questions regarding:

- paint colors for cabinets: matching
- receipt of reports from CDF [no comment received]

Chair Lyle opened the public hearing; noting that none were present to address the matter, the public hearing was closed.

The recommendation of staff: Approval of UP-06-04: Concord-T-Mobile was considered, with Commissioner Davenport indicating questions for the applicant and suggesting continuation of the matter. Commissioner Davenport listed his questions, with other Commissioners identifying the information within the proposed resolution. Commissioner Benich said he recognized that such installations were controlled by Federal guidelines, but felt that there was still need for 'real world data', which was then pointed out as being part of Condition # 5. [It was later determined that the staff reports are now posted in advance of the meetings on the web site for easier access.]

Commissioner Mueller commented he did not find the proposed installation to be 'particularly stealth'. PM Rowe agreed, saying that the area where installation would occur is 'not really a public area'.

The Commissioners discussed various architectural components of the plan. Commissioner Davenport inquired about the workings of a site survey, with PM Rowe explaining the process.

COMMISSIONER MUELLER OFFERED A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE INSTALLATION OF THREE BUILDING-MOUNTED TELECOMMUNICATIONS ANTENNAS AND ASSOCIATED GROUND MOUNTED EQUIPMENT CABINETS ON AN EXISTING INDUSTRIAL BUILDING LOCATED AT 15555 CONCORD CIRCLE. HAVING NOTED THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION, COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

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3) STATUS OF Review status of General Plan Implementation.

FY 04/05

GENERAL PLAN IMPLEMENTATION PM Rowe gave the staff report, calling attention that the status of the General Plan Elements had been updated, and so, at the suggestion of the Chair, the report had been retitled to reflect current fiscal year analysis. PM Rowe advised that because the Planning Department is fully staffed, there is opportunity for getting 'caught up' on things like this annual report. PM Rowe described the work being done by Mr. Bischoff on the Housing Element and advised that staff anticipates submitting the required elements by the end of the current fiscal year, so that even with the required 90-day review by State agencies, all obligations for updating and reporting would be met.

PM Rowe gave an overview of:

- summary land use amendments (during time period noted for this status report of the General Plan)
- amounts of land development
- each of goals and action items
- report was expanded to current fiscal year
- increase in acreage / corrected total number of commercial vacant lands
- public safety goals [The Commissioners noted that the City still has two fire stations responding and questioned whether this affects the level of service]
- Commissioner comments regarding (page 7) population numbers for park installation requirements
- space in urban growth boundary versus City boundaries

Chair Lyle asked about partial credit for parks in private lands with Commissioner Mueller explaining the formula and how that results in the figure provided. Discussion ensued regarding park lands needed and the acreage designated as parks currently. Open space location and availability was also discussed. PM Rowe gave an overview of the traditional parks versus the open space existing within the City at present.

Commissioner Mueller explained the reporting mechanisms used for reporting parks for funding purposes, e.g., if it is a recreational element such as the aquatic center, then it is included; however, such accounting has not traditionally been needed for 'dual counting'. Commissioner Mueller went on to explain that because of the counting techniques, the City is a 'lot shorter than the 26 acres indicated in the CIP.

PM Rowe continued and called attention to an added Table A: 13.6, which identified parking issues which at present are unsettled, necessitating inclusion into the working document. He also called attention to and noted:

- status of identified service areas
- conclusion for period (FYs) under study
- 71 high priority items which had been identified (listed in the tables at end of the report) and said that the department responsible was listed for each
- of the identified items, 32 have been completed and 33 are works in progress
- reiterated that work on the Housing Element will soon be completed

For the benefit of the audience, Chair Lyle explained that the General Plan is a map of where the City will be in 2020 for completion of streets, etc., and this report is a blueprint of how the City staff is working: making good progress and how the City is making specific progress.

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Commissioners asked questions of PM Rowe regarding the Land Use Element:

- Land Development
- Commercial
- Page 4, Goal 8: Commissioner Escobar said this had been discussed at the joint meeting with the City Council previously and now raised the question as staff prepares the handbook, if there are any estimates of cost of improvements and further asking if this information is needed for compliance [discussion revealed this would probably be a question for the task force]
- Page 4, Goal 9: Noting this appeared to be a definitive statement, Commissioner Escobar asked for clarification, with PM Rowe indicating it was not meant to be definite. Commissioner Koepp-Baker asked if there was a plan to 'drop the grocery', with PM Rowe explaining that was just an option to select ; to avoid further confusion, Chair Lyle suggested changing *will* to may
- Page 7, Goal 3: Commissioner Escobar asked for a status of progress, with PM Rowe indicating that the Chamber of Commerce presents a report to the City Council, which will be followed-up with further partnership with others (regional approach)

Under the Circulation Element,

- Goal 6 (page 9) was discussed at length, with Commissioner Escobar providing information regarding VTA operations.
- Page 15, 9.4 earned considerable interest

Responding to a question from Commissioner Benich regarding the importance of the Housing Element, PM Rowe explained the process of having the CA Department of Housing and Community Development accept and approve the document(s) and the consequence if it is not approved. PM Rowe reviewed the submittal of the Housing Element in 2002, with subsequent contact with staff of the CA Department of Housing and Community Development succeeding rule changes and revisions to reflect those changes. Commissioner Mueller asked if the current study of the Housing Element is to be measured against the old or new Element. PM Rowe responded, "Right now, against the old one." Commissioner Mueller commented if a new Housing Element is approved, we will have met the provisions of the Element."

Commissioner Koepp-Baker asked if staff is looking at the total amount of space for industrial and commercial land use and if there is potential for rezone? "The reason for my question is: how many more buildings was one of the discussion items as we talk about land for rezone," she said. PM Rowe explained that in the work plan this subject has been targeted as 'follow-up' to the Urban Limit Line adjustments, coupled with the Industrial Lands Marketing Analysis, a study that will assist in identifying lands better suited to other uses.

Other issues the Commission discussed included:

- ballot initiative approval
- double-tracking {railway system}: Commissioner Escobar gave a brief overview of the electrification requirements and potential change in the funding stream, saying the VTA Board is looking at options. Commissioner Escobar said electrification may not increase or necessarily shorten travel runs, but that the issue is mostly environmental with no real material impact. "It is not a condition that needs to be considered for environmental review," he explained.

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- need for coordinating efforts with work at the intersection at Tilton
- possibility of closing Madrone Parkway rather than Tilton
- costs associated with preparing for double-tracking with the City
- Commissioner Acevedo if concern for Union Pacific not up, but VTA \$45 million
- underpasses at Dunne and Watsonville

Regarding high speed transportation, Commissioner Escobar stated the VTA Board of Directors appointed a six-member subcommittee (Projects Priority Subcommittee) in March, with that Subcommittee being charged with trying to develop a list and make recommendation for a 30-year plan. The subcommittee, Commissioner Escobar reported, had met in different areas throughout the County and was scheduled to conclude and report at a special meeting of the VTA Board in the near future.

Chair Lyle opened the public hearing. As there were no persons present to speak to the matter, the public hearing was closed.

COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO FORWARD THE STATUS REPORT OF THE FY 2004/05 AND FY 2005-06 GENERAL PLAN IMPLEMENTATION DOCUMENT TO THE CITY COUNCIL AS PRESENTED AND DISCUSSED, WITH THE MINOR CHANGES NOTED. THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

Discussion regarding the process/feasibility of removing the cyclone fence lining the CalTrans right-of-way at the Cochrane Road/Highway 101 southbound off-ramp.

4) REPORT ON CALTRANS FENCING REQUIREMENT

PM Rowe used the staff report as basis for explaining the request of Commissioner Benich at the March 21, 2006 Planning Commission meeting to explore City gateway area concerns regarding fencing requirements by CalTrans. PM Rowe advised that staff researched the matter by contacting CalTrans where personnel reported the requirements for fence placement for delineation of the right-of-way boundary. PM Rowe then explained that the City officials had chaffed at the placement of the fence at KFC, but CalTrans officials were firm and contact with those officials in Sacramento did not yield favorable contact for moving the fence.

Commissioner Benich interjected, "We cannot do nothing. We must continue to be heard. It is disgraceful that throughout our City, CalTrans demands ugly-looking chain link fences be placed. We are looking at this same type of fence at the Cochrane – Highway 101 location when the new plaza is built. We will have a beautiful facility with ugly chain link fencing. At the very least we had the developer of the property at Cochrane and Monterey put in a wrought iron fence. The Planning Commission should be able to have applicants put in good looking fences."

Chair Lyle opened the public hearing; noting no members of the audience who indicated a wish to speak to the matter, the public hearing was closed.

Extensive Commission discussion ensued, with the following suggestions offered:

- send letter to CalTrans explaining that fencing at designated gateways is not

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- always good
- if fence is required, City will live with it; but CalTrans fence is not compatible with General Plan [notice such as this starts the process – puts the matter on record as not being acceptable]
- at 'In-N-Out Burger the City did not require a fence as a condition of the Use Permit; CalTrans made the applicant put the fence in, which created a situation of removal of landscaping
- the City was not notified of the fence requirement; CalTrans went straight to the applicant

The question arose that in a review of the Use Permit, why staff did not know of the CalTrans requirement, which resulted in increased discussion.

By common agreement, the Commissioners indicated the importance of being 'on record to CalTrans' that the installed fence is not compatible with a request from the City to CalTrans to put up different type of fencing in keeping with the progressive image of the City.

Commissioner Acevedo strongly suggested: "Because CalTrans is all over the state, it would be prudent for the Commissioners to review different sites to see if CalTrans has been consistent in the 'requirement'. We need to look at different areas, and we need to look for consistency. If there is not consistency, then we would have a good argument."

Commissioner Escobar then offered a suggestion, "Rather than having the effort on the City to prove if the requirement is consistent, the City should ask CalTrans - in a letter – to illustrate the consistency citing the need to ascertain the policy." Commissioner Escobar further suggested it might be appropriate for such a letter to be sent from the City over the Mayor's signature, with a copy to Legislators, asking for legislative oversight for inconsistency.

The two previous statements spurred considerable debate as to the best method(s) for proceeding. Chair Lyle commented he would be surprised if CalTrans does not have different standards for different (geographic) areas of the State.

Commissioner Escobar then offered compromise for action: a combination of Planning Commission correspondence and asking the City Council and Mayor for letters.

PM Rowe led discussion regarding decorative fencing. Commissioners suggested a letter to CalTrans stating the chain link fencing was not compatible to the requirements of the General Plan, and therefore they (the Planning Commission) wanted to be able to require decorative fencing such as that at the identified gateway. The route of correspondence would be: Planning Commission>> {noting the CalTrans standard} >>appropriate City Council subcommittee {input into letter}>>forward to City Council>> {inclusion of appropriate concerns}.

Commissioner Mueller argued for the letter to be sent to CalTrans from the Commissioners. "Let's not have an unwarranted escalation," he urged.

FOLLOWING FURTHER DISCUSSION, AGREEMENT WAS REACHED AND STAFF WAS DIRECTED TO WRITE THE LETTER – AS OUTLINED IN

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DISCUSSION - ASKING CLARIFICATION OF THE MATTER AND COOPERATION FROM CALTRANS OFFICIALS.

Chair Lyle, utilizing the 'educational moment' with the students, explained that at the previous meeting, Commissioners had examined the Capital Improvements Program (CIP) and in this meeting spent time talking about what the City was doing for meeting the General Plan requirements. He pointed out that the General Plan is an adopted outline for accomplishing certain targets and aspirations of where the City will be for service provision and growth patterns for the year 2020. At this meeting, those benchmarks for accomplishment had been discussed, Chair Lyle said.

ANNOUNCEMENTS: PM Rowe noted that at the May 3, 2006 City Council meeting, a review of the General Plan amendment of zoning for the Laurel-Trader Joe's building was completed. PM Rowe advised that the concerns Commissioner Mueller had regarding the need for consideration of the matter (Trader Joe's location rezone) before the close of the Public Comment period on May 2, 2006, was relayed to the Council. He then noted that no public comment received was received before the close of the time.

ADJOURNMENT: As there was no further business to be considered by the Commissioners at this meeting, Chair Lyle adjourned the meeting at 8:02 p.m.

MINUTES PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk